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7 *Representing the United States of America*

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 **-oOo-**

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 vs.

15 JOSUE DIAZ-ORELLANA,

16 Defendant.

2:18-mj-00338-PAL

GOVERNMENT'S MOTION TO
DISMISS CRIMINAL
COMPLAINT PURSUANT TO
FEDERAL RULE OF
CRIMINAL PROCEDURE 48(a)

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18 The United States of America, by and through DAYLE ELIESON, United States
19 Attorney, and FRANK JOHAN COUMOU, Assistant United States Attorney,
20 respectfully files this Motion to Dismiss Criminal Complaint Pursuant to Federal Rule
21 of Criminal Procedure 48(a) to dismiss the above-captioned case against Defendant
22 JOSUE DIAZ-ORELLANA.

23 The United States initiated this instant prosecution on March 20, 2018 charging
24 Defendant with violating Title 18, United States Code, Section 1001 (Making False

1 Statements to a Federal Officer). *See* Doc. #1. Seven days later, the United States filed
2 a new criminal complaint charging Defendant, and three co-defendants, with violating
3 Title 18, United States Code Sections 113(a) (Assault with Intent to Commit Murder),
4 1201(a) (Kidnapping), and 924(c) (Discharging Firearm During and in Relation to a
5 Crime of Violence). *See* Doc. #1, in 2:18-mj-00361-VCF. Defendant is detained on both
6 cases. In order to allocate its resources, the United States moves to dismiss the criminal
7 complaint against Defendant in the instant case (2:18-mj-.338-PAL).

8 Accordingly, the United States respectfully requests that this instant case (2:18-
9 MJ-00338-PAL) against Defendant Josue Diaz-Orellana be dismissed without prejudice,
10 and the case against the same be closed.

11
12 DATED: April 5, 2018.

13 Respectfully submitted,

14 DAYLE ELIESON
15 United States Attorney

16 //s//
17 FRANK J. COUMOU
18 Assistant United States Attorney

19 **IT IS SO ORDERED** this 9th day
20 of April, 2018.

21 
22 Peggy A. Leen
23 United States Magistrate Judge
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DATED this 5th day of April, 2018.

FRANK COUMOU
Assistant United States Attorney